



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## INTERIM DECISION

Dispute Codes      CNC, FF

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution to cancel a 1 Month Notice to End Tenancy for Cause and to recover the filing fee.

All parties appeared; however at the outset of the hearing, the tenant requested an adjournment of the hearing, citing as reason that she had received the landlords' evidence late and due to the seriousness of the allegations contained in that evidence, including references to her medical condition, she would need time to gather her own evidence.

The landlords did not agree to the request.

### Issue(s) to be Decided

Is the tenant entitled to an Order cancelling the 1 Month Notice to End Tenancy for Cause and to recover the filing fee?

Is the tenant entitled to an adjournment of the hearing?

### Background and Evidence

The landlords submitted a package of evidence, which was separated into two parts. The first part of the evidence was received on July 10, 2011, and the second part of the evidence was received on July 13, 2011, by the Residential Tenancy Branch.

The landlords stated that they gathered their evidence as quickly as possible, but did not receive the tenant's application until July 6, 2011, due to being on vacation.

### Analysis

The Residential Tenancy Branch Rules of Procedure 4.1(a) state that if the respondent, the landlords in this case, intends to dispute an Application for Dispute Resolution, copies of all available documents, photographs, video or audio tape evidence the respondent intends to rely upon as evidence at the dispute resolution proceeding must be received by the Residential Tenancy Branch and served on the applicant as soon as possible and at least five (5) days before the dispute resolution proceeding as those days are defined in the "Definitions" part of the Rules of Procedure.

In considering the tenant's request for an adjournment, I am guided by Section 6.3 of the Rules of Procedure which gives the Dispute Resolution Officer authority to adjourn the dispute resolution proceeding to a later time at the request of any party or on the Dispute Resolution Officer's own initiative.

Pursuant to Section 6.4 (c) I considered whether or not an adjournment was required to provide a fair opportunity for a party to be heard.

I do not find that the landlords unduly delayed in filing their evidence; nonetheless the evidence was not filed within the required time limit. The serious nature of the dispute, ending a tenancy, dictates that all parties be provided a fair opportunity to be heard.

Therefore I order the hearing be adjourned and scheduled to reconvene on the date and time specified in the enclosed Notice of Adjourned Hearing.

The parties are at liberty to submit additional documentary evidence in compliance with the Rules of Procedure 3.5 and 4.1.

The evidence previously submitted by the landlords will be considered timely submitted for purposes of the reconvened hearing.

The parties are requested to provide a copy of the tenancy agreement prior to the hearing reconvened hearing.

### Conclusion

This hearing is adjourned to the date specified in the enclosed Notice of Adjourned Hearing.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 15, 2011.

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Residential Tenancy Branch